

<b>REFERENCE NO</b> – 21/503982/FULL		
<b>APPLICATION PROPOSAL</b> Retrospective application for retention of the existing concrete slab hardstanding area.		
<b>ADDRESS</b> Newnham Court Shopping Village, Bearsted Road, Weavering, Kent ME14 5LH		
<b>RECOMMENDATION</b> GRANT PLANNING PERMISSION subject to conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> <ul style="list-style-type: none"> <li>The proposal is in keeping with the lawful use of the application site for <i>'the turning of delivery vehicles and the loading and unloading of goods being delivered to premises within the Newnham Court Shopping Village'</i>.</li> <li>With a planning condition requiring the submission of a management plan including submission of an acoustic survey and landscape scheme, the proposal is acceptable in relation to impact on residential and visual amenity.</li> </ul>		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> The current application forms part of a wider package of works that are being delivered in association with Kent County Council.		
<b>WARD</b> Boxley	<b>PARISH COUNCIL</b> Boxley	<b>APPLICANT</b> Harvestore Systems Holdings Ltd <b>AGENT</b> Mr. David Cassells, WSP
<b>TARGET DECISION DATE</b> 26/11/2021 (EOT)		<b>PUBLICITY EXPIRY DATE</b> 29/9/2021

## 1. POLICY AND OTHER CONSIDERATIONS

- 1.01 Following recent approval by members, the Council's Reg 19 Local Plan is out to public consultation. This document is a material planning consideration, however at this time individual policies are not apportioned much weight. At the end of the consultation period, the weight to be attached to individual policies will be adjusted upwards or downwards depending on whether objections have been received. The current programme involves submission to the Planning Inspectorate in Spring 2022.

## 2. Background

- 2.01 The applicant has provided the following background information *"Although the applicant for this application is Harvestore, the shopping village owners, my client is Kent Country Council (KCC) who are working with Harvestore to deliver planning permission ref: : MA/20/500047 for the construction of a new access road into Newnham Court Shopping Village and internal service road, highway improvements and alterations, associated new and replacement car parking... modification of the existing access into the shopping village, realignment of the existing drainage feature, removal and replacement tree planting and associated earthworks and landscape improvements.*

*That permission forms part of wider highway improvements between Kent Medical Campus and the M20 J7. These highway works are a direct response to delivering both a prestigious medical campus and replacement retail facilities at Newnham Park; a site allocated within the Maidstone Borough Local Plan (MBLP), pursuant to Policy RMX1. It is aimed at reducing congestion by improving junction and link capacity, and this objective is assisted by removing the current access to Newnham*

*Court Village and relocating it to a new access and link road off Newnham Court Way.*

*A separate, but equally integral application ref: KCC/MA/0168/2021 for the construction of a service road route for HGV and other vehicle deliveries with concrete apron was lodged with KCC in July. That scheme involves the use of the concrete slab area which received a CLD (21/500139/LDCEX) the turning of delivery vehicles and for the loading and unloading of goods being delivered to premises at the Newnham Court Shopping Village. However, that application ref: KCC/MA/0168/2021 cannot be determined until application 21/503982/FULL to retain the concrete slab has been determined favourably”.*

2.02 This planning application was reported to Planning Committee on 21 October 2021 where officers recommended approval subject to planning conditions. The committee report for this earlier meeting is attached as an Appendix.

2.03 The draft minutes for the Planning Committee on the 21 October 2021 are as follows:

*The Committee considered the report of the Head of Planning and Development. In introducing the application, the Development Manager advised the Committee that he wished to amend condition 1(i)(b) (Management Plan) to read “Measures to provide a ~~net biodiversity gain~~ ecological enhancement, including bat and bird boxes”. This was principally on the basis that it was considered that it would not be possible to achieve a biodiversity net gain on the site given that the proposal related to operational works i.e., the retention of the hardstanding that had been put down.*

*Mr Cook, an objector, addressed the meeting in person.*

**RESOLVED:**

*1. That permission be granted subject to the conditions set out in the report, with:*

*a) The amendment of condition 1(i) (Management Plan) to require that the Management Plan shall include an acoustic survey to demonstrate whether an acoustic barrier is required to protect the amenity of the occupants of Newnham Court. If the survey demonstrates that an acoustic barrier is required, then details of the barrier including its height and extent shall be submitted to and agreed by the Local Planning Authority;*

*b) The amendment of condition 1(i)(b) (Management Plan) to read “Measures to provide a ~~net biodiversity gain~~ ecological enhancement, including bat and bird boxes”; and*

*c) The amendment of condition 1(i) (Management Plan) to require that the Management Plan shall include details of bunding around the perimeter of the entire site with landscaping in accordance with the Landscape Character Guidelines to mitigate landscape and amenity harm and help provide biodiversity gain.*

*2. That the Head of Planning and Development be given delegated powers to finalise the wording and the timing of amended condition 1 and to amend any other conditions as a consequence.*

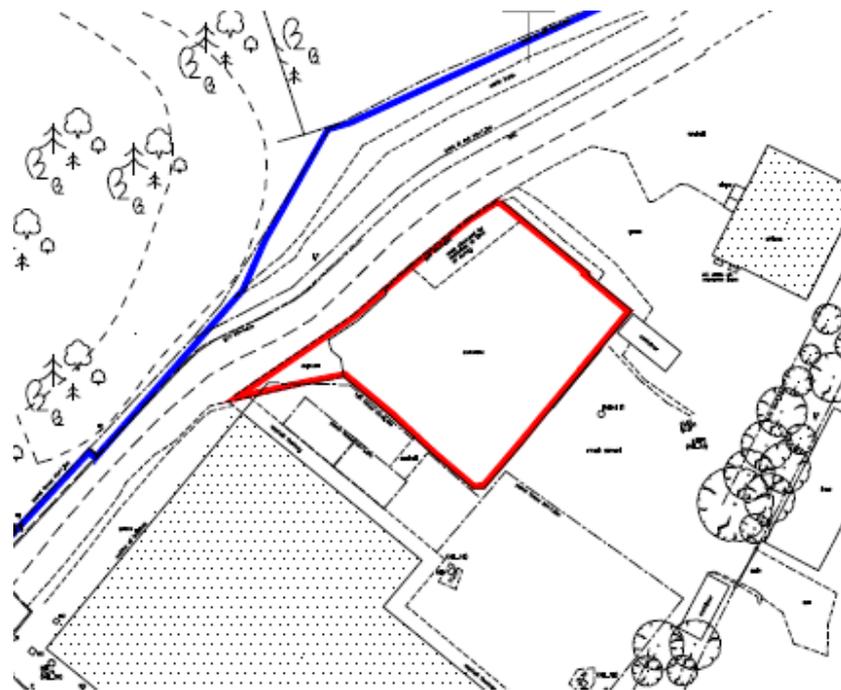
*Voting: 9 – For 2 – Against 2 – Abstentions*

2.04 Whilst a decision on this planning application was not deferred by members at the earlier committee meeting, a decision was subsequently taken by officers to report

the application back to members. This decision was taken after further consideration of members wishes and the information submitted with the original planning application relating to land ownership.

*Point 1c of the planning committee minutes set out the following "The amendment of condition 1(i) (Management Plan) to require that the Management Plan shall include details of bunding around the perimeter of the entire site with landscaping in accordance with the Landscape Character Guidelines to mitigate landscape and amenity harm and help provide biodiversity gain".*

Figure 1. Extract of revised site location plan received in November 2021

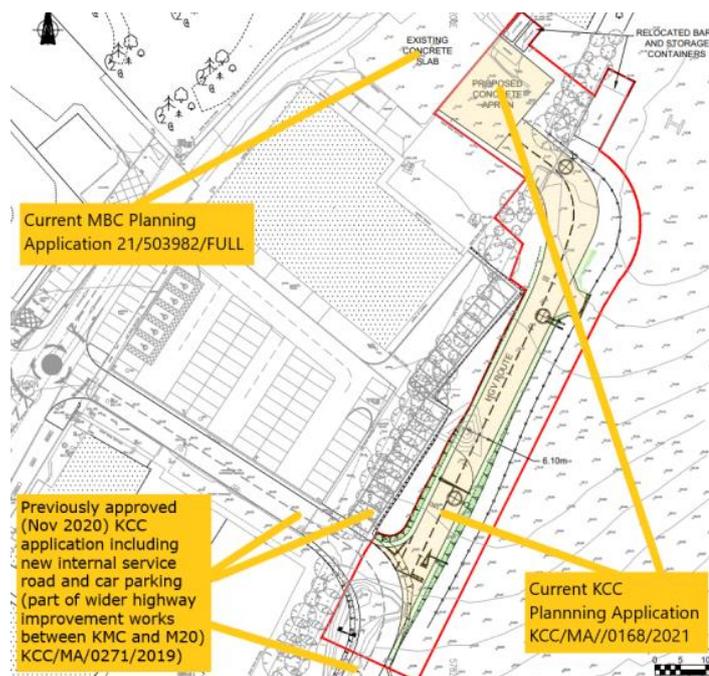


2.05 The planning condition requested by members required landscaping to be located on land outside the red line application site boundary. The statutory tests require planning conditions to be 'enforceable' and 'reasonable' and to meet these tests it needs to be first confirmed that the land to be landscaped is under the applicant's control.

#### **Site location plan**

2.06 On 5 November 2021, the applicant provided a revised site location plan (Figure 1). In addition to the application site in red, the revised site location now correctly includes other land in the applicant's ownership annotated on the plan with a blue outline. The revised site location plan confirms that the land immediately surrounding the red line application site boundary is in the applicant's ownership.

Figure 2: Location of works proposed under MBC 21/503982/FULL, KCC/MA/0168/2021 and KCC/MA/0271/2019)



### Landscaping

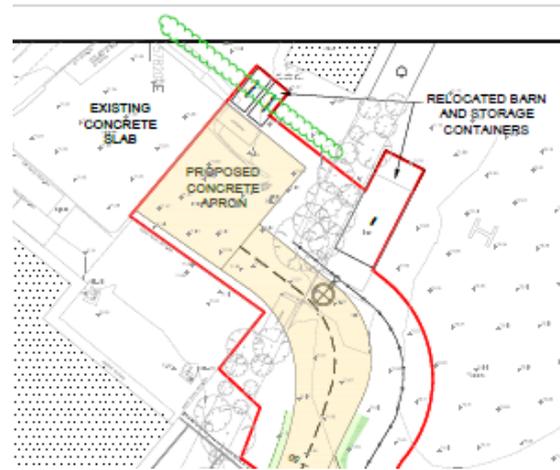
- 2.07 In response to the request from members for a landscaping around the 'entire' site, the applicant has stated that it would only be possible to provide landscaping along the north east boundary of the current application site.
- 2.08 The red line boundary shown on Figure 2 (preceding page) shows the plans currently being considered by Kent County Council for the land adjacent to the south east boundary of the current application site (KCC/MA/0168/2021). These plans make landscaping along the outside of the south east site boundary impractical. The existing landscaped border that is located to the east of the proposed concrete apron is also highlighted.
- 2.09 The applicant has advised that it is not feasible to provide a bund or landscaping to the north west site boundary (see photo below at Figure 3) due to the requirement for additional land. The south west boundary of the current application site is screened by the adjacent existing building.

Figure 3: View looking north east along the north west site boundary with the existing service road



- 2.10 An illustrative landscape plan (Figure 4 below ) has been submitted that shows a native indigenous hedgerow provided to the north eastern boundary of the application site. This landscape strip would also extend across the north eastern boundary of the adjacent land (annotated in Figure 3 as 'proposed concrete apron') with the barn and storage containers moved from the positions shown on Figures 2 and 4.

Figure 4: Extract of illustrative landscape plan



- 2.11 In response to the above conclusions, it is intended to amend condition 1 as set out below with additions underlined. Following the need for landscaping, the Council's standard requirement for landscaping maintenance has also been added as a further condition (condition 2).

- 1) "The hardstanding hereby permitted shall be removed and all associated materials taken off the site and the land restored to its former condition before the development took place within 6 weeks of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

- (i) within 4 months of the date of this decision a management plan hereafter referred to as the 'Plan', shall have been submitted for the written approval of the Local Planning Authority. The Plan shall include details of:

- a) Measures to reduce the potential of noise disturbance to neighbours, including the timing of deliveries, the use of audible reversing alarms, idling vehicle engines and appropriate mitigation measures, and
- b) an acoustic survey to demonstrate whether an acoustic barrier is required to protect the amenity of the occupants of Newnham Court. In consultation with the Environmental Health Officer, if the Local Planning Authority reasonably conclude from the acoustic survey results that an acoustic barrier is required, then details of the barrier including its height, construction and extent and a timetable for implementation shall be submitted for the written approval of the Local Planning Authority within 3 months of the applicant being notified in writing of the need for the acoustic barrier, the acoustic barrier shall be provided in accordance with the agreed timetable and retained in accordance with the approved details;
- c) Measures to provide ~~a net biodiversity gain~~ ecological enhancement including bat and bird boxes
- d) details of landscape screening to be provided along the north eastern site boundary in accordance with the Landscape Character Guidelines and a timetable for its implementation.
- e) Details of any existing previously installed external lighting associated with the use of the application site, including measures to

- shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors as necessary. External lighting should be in accordance with Bat Conservation Trust guidelines.
- f) the said Plan shall include a timetable for its implementation with the requirements of the approved Plan followed permanently thereafter.
- (ii) within 11 months of the date of this decision the Plan shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve the Plan or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- (iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted Plan shall have been approved by the Secretary of State. (iv) the approved Plan shall have been carried out and completed in accordance with the approved timetable and thereafter maintained and retained as approved. Reason: To mitigate landscape and amenity harm and help provide biodiversity gain.

### **3. CONCLUSION**

- 3.01 The proposal is in keeping with the lawful use of the application site for 'the turning of delivery vehicles and the loading and unloading of goods being delivered to premises within the Newnham Court Shopping Village'.
- 3.02 With a planning condition requiring the submission of a management plan, the proposal is acceptable in relation to impact on residential amenity.
- 3.03 In the context of surrounding commercial development, screening from existing landscaping and the lawful use of site for parking and turning of HGV the proposal is acceptable in relation to visual amenity.

### **4. RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions

- 1) The hardstanding hereby permitted shall be removed and all associated materials taken off the site and the land restored to its former condition before the development took place within 6 weeks of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
- (i) within 4 months of the date of this decision a management plan hereafter referred to as the 'Plan', shall have been submitted for the written approval of the Local Planning Authority. The Plan shall include details of:
- a) Measures to reduce the potential of noise disturbance to neighbours, including the timing of deliveries, the use of audible reversing alarms, idling vehicle engines and appropriate mitigation measures, and
- b) an acoustic survey to demonstrate whether an acoustic barrier is required to protect the amenity of the occupants of Newnham Court. In consultation with the Environmental Health Officer, if the Local Planning Authority reasonably conclude from the acoustic survey results that an acoustic barrier is required, then details of the barrier including its height, construction and extent and a timetable for implementation shall be submitted for the written approval of the Local Planning Authority within 3 months of the applicant being

notified in writing of the need for the acoustic barrier, the acoustic barrier shall be provided in accordance with the agreed timetable and retained in accordance with the approved details;

- c) Measures to provide ~~a net biodiversity gain~~ ecological enhancement including bat and bird boxes
  - d) details of landscape screening to be provided along the north eastern site boundary in accordance with the Landscape Character Guidelines and a timetable for its implementation.
  - e) Details of any existing previously installed external lighting associated with the use of the application site, including measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors as necessary. External lighting should be in accordance with Bat Conservation Trust guidelines.
  - f) the said Plan shall include a timetable for its implementation with the requirements of the approved Plan followed permanently thereafter.
- (ii) within 11 months of the date of this decision the Plan shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve the Plan or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- (iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted Plan shall have been approved by the Secretary of State. (iv) the approved Plan shall have been carried out and completed in accordance with the approved timetable and thereafter maintained and retained as approved.
- Reason: To mitigate landscape and amenity harm and help provide biodiversity gain.

(2) Any landscaping (implemented in accordance with condition 1 [1, i), d) which fails to establish or any trees or plants which, within five years from planting die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.  
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- (3) With the exception of parking of vehicles, no open storage of plant, materials, products, goods for sale or hire or waste shall take place on the land.  
Reason: To safeguard the character and appearance of the area.
- (4) Any 'proposed' external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter; External lighting should be in accordance with Bat Conservation Trust guidelines.  
Reason: In the interest of amenity and wildlife.
- (5) The development hereby permitted shall be in accordance with the following approved plans:

Planning Committee Report

18 November 2021

Site Location Plan, 70040984-PL-0062 Rev *P02* received on 5 November 2021

Existing Block Plan, 70040984-PL-0063 Rev P01 received on 16 July 2021

Reason: To clarify which plans have been approved.

Case officer: Michelle Kwok